

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

ARLENE F. HATTEN,

Plaintiff,

v.

TOM ELKIN, *et al.*,

Defendants.

:
:
:
:
:
:
:
:
:
:
:
:

Case No. 2:24-cv-1102

Chief Judge Algenon L. Marbley

Magistrate Judge Kimberly A. Jolson

ORDER

This matter is before this Court on Plaintiff Arlene F. Hatten’s Motion for Leave to Proceed *In Forma Pauperis* (ECF No. 8). Prior to this duly filed motion, Plaintiff filed what was docketed as a first motion for leave to proceed *in forma pauperis* (“IFP”) (*see* ECF No. 1), but, as Magistrate Judge Jolson explained in her April 15, 2024 Report & Recommendation (“R&R”), the information provided in that filing did not constitute a motion for leave to proceed IFP, as it did not include financial information. (ECF No. 7 at 1).¹ Magistrate Judge Jolson therefore recommended that Plaintiff be ordered to pay the filing fee within thirty (30) days of adoption of that recommendation or else her case should be dismissed without prejudice, and explained Plaintiff’s objection rights and what she forfeits by not objecting. (*Id.* at 1–2).


A few days after this thirty-day deadline, Plaintiff overnighted a proper motion for leave to proceed IFP. (ECF No. 8). Magistrate Judge Jolson considered this Motion, and then issued an R&R recommending that this Court deny Plaintiff’s motion on the grounds that, based on Plaintiff’s submissions, “it does not appear that paying the one-time filing fee would cause Plaintiff

¹ As this Court is considering Plaintiff’s completed motion to proceed IFP and Magistrate Judge Jolson’s adjudication of such, her first motion (ECF No. 1) is **DENIED AS MOOT**.

to be deprived the necessities of life.” (ECF No. 9 at 2). Plaintiff was advised of both her right to object to the R&R within fourteen days and of the rights she would waive by failing to do so. (*Id.* at 2–3).

Approximately one month later, Plaintiff paid her civil filing fee. (Text Entry, June 28, 2024). Regardless, understanding that proceeding IFP encompasses more than the one-time fee, this Court has reviewed the R&R, to which no objections have been filed. As the time for filing such objections under Fed. R. Civ. P. 72(b) has expired, this Court hereby **ADOPTS** the R&R (ECF No. 9) and **DENIES** Plaintiff’s motion for leave to proceed *in forma pauperis* (ECF No. 8).

IT IS SO ORDERED.


ALGENON L. MARBLEY
CHIEF UNITED STATES DISTRICT JUDGE

DATED: July 24, 2024